

2019 Current Fiscal Year Report: Advisory Committee on Construction Safety and Health

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1. Department or Agency

Department of Labor

2. Fiscal Year

2019

3. Committee or Subcommittee

Advisory Committee on Construction Safety and Health

3b. GSA Committee No.

630

4. Is this New During Fiscal Year?

No

5. Current Charter

11/14/2020

6. Expected Renewal Date

11/14/2020

7. Expected Term Date

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

8c. Actual Term Date

9. Agency Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

Not Applicable

10b. Legislation Pending?

Not Applicable

11. Establishment Authority Statutory (Congress Created)

12. Specific Establishment Authority

Construction Safety Act, 40 U.S.C. 3701 et seq.

13. Effective Date

08/09/1969

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee National Policy Issue Advisory Board

16a. Total Number of Reports

No Reports for this Fiscal Year

17a. Open Meetings and Dates 0 17b. Closed Meetings and Dates 0 17c. Partially Closed Meetings and Dates 0 17d. Total Meetings and Dates 0

No Meetings

Current FY Next FY

18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$0.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00

18d. Total	\$0.00	\$0.00
19. Federal Staff Support Years (FTE)	0.00	0.00

20a. How does the Committee accomplish its purpose?

The Advisory Committee on Construction Safety and Health (ACCSH) accomplishes its purpose by conducting open work group and full committee meetings. In order to attract the broadest participation, the Agency publishes press releases, contacts interested parties by email and publishes the required Federal Register meeting notices. Also, the Agency relies on interested parties and associations to pass the notices on to colleagues and members. The work groups engage in research, hold open discussions, receive presentations, produce materials, deliberate suggestions, and regularly report their activities to the full committee. ACCSH members who represent different interests (Employer, Employee, Public, State Agency, and Federal Agency) co-chair the work groups. The full committee discusses the work group activity reports, and takes appropriate action, which can include: further research, more analysis/deliberation, and recommendations to the Agency. The Agency routinely asks ACCSH to make recommendations or provide advice on specific construction-related policy matters. To provide the greatest possible reach for ACCSH discussions and materials, the Agency posts meeting minutes, transcripts, presentations, other meeting information, and work group reports in the meeting docket. Recent dockets are available at: www.regulations.gov; prior to 2006 they are in the OSHA Docket Office at: www.osha.gov. Minutes and transcripts are also posted to the ACCSH webpage at: <http://www.osha.gov/doc/accsch/index.html>.

20b. How does the Committee balance its membership?

The Secretary of Labor appoints 15 members to ACCSH; five qualified by experience and affiliation to represent the view points of employers involved in construction, five qualified by experience and affiliation to represent the view points of employees involved in construction, two representing State safety and health agencies, two members of the public who are qualified by knowledge and experience, and one member designated by Secretary of the Department of Health and Human Services (HHS) to represent the federal sector. The HHS designee is usually from the National Institute for Occupational Safety and Health (NIOSH). Members are appointed to serve up to two-year terms.

20c. How frequent and relevant are the Committee Meetings?

ACCSH meets two to four times a year as a full committee. It maintains a schedule to direct and receive the deliverables of its work groups (the work groups take direction from and report to the full committee, not the Agency). Additionally, since the meetings are open to the public, regular ACCSH meetings effectively provide public updates as well as

broad-based construction industry input through public comments. Most work group meetings are held in conjunction with the full committee meetings, but some meet at alternate times and locations. These work group meetings, for example, may deal with individual issues, site visits, novel technology familiarization, or the need to prepare complex materials for the full Committee's consideration. No regulatory items required ACCSH to meet during FY 2018.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

ACCSH is a continuing advisory body mandated by law under section 107 of the Contract Work Hour and Safety Standards Act (40 U.S.C. 3701 et.seq), known as the Construction Safety Act. ACCSH is necessary to advise the Secretary of Labor and Assistant Secretary for Occupational Safety and Health on how the development and implementation of safety and health standards, regulations and policies could affect the construction industry.

20e. Why is it necessary to close and/or partially closed committee meetings?

Not Applicable

21. Remarks

ACCSH is a continuing non-discretionary advisory committee to satisfy the requirements of the Construction Safety Act and its ongoing requirement for the Agency to seek the Committee's advice and recommendations concerning construction safety and health standards as well as associated policy matters. Pursuant to Section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act)(40 U.S.C. 3701 et seq.) at Section 107(e)(1) "[t]he Secretary [of Labor] shall establish in the Department of Labor an Advisory Committee on Construction Safety and Health ..." There is no termination authority in the language. In addition, pursuant to Section 107(e)(2) the "committee shall advise the Secretary in the formulation of construction safety and health standards and other regulations, and with respect to policy matters arising in the administration of this section. Department of Labor regulations at section 29 CFR 1912.3(a) maintain in addition to the Construction Safety Act requirements that because "of the far reaching coverage of the Construction Safety Act, the myriad of standards that may be issued thereunder, and the fact that the Construction Safety Act would also apply to much of the work which is covered by the Williams-Steiger Occupational Safety and Health Act of 1970, whenever occupational safety or health standards for construction activities are proposed, the Assistant Secretary shall consult the Committee."

Designated Federal Officer

Scott Ketcham Acting Director, Directorate of Construction, OSHA-USDOL

Committee Members	Start	End	Occupation	Member Designation
Branche, Christine	03/31/2014	09/30/2019	Principal Associate Director, and Director, Office of Construction Safety & Health, CDC-NIOSH, Office of the Director	Regular Government Employee (RGE) Member
Cannon, Kevin	05/13/2019	05/13/2021	Director, Safety and Health Services, Associated General Contractors of America	Representative Member
Combs, Fravel	05/13/2019	05/13/2021	Corporate Manager, EH&S, M.A. Mortenson Company	Representative Member
DePrater, Cindy	05/13/2019	05/13/2021	Vice President/Director, Environmental Health and Safety, Turner Construction Company	Representative Member
Earnest, G. Scott	05/13/2019		Deputy Director and Program Coordinator, Office of Construction Safety and Health, National Institute for Occupational Safety and Health	Regular Government Employee (RGE) Member
Fought, Christopher	05/13/2019	05/13/2021	Global Construction & North America Contractor Safety Manager, General Motors, LLC	Representative Member
Hickman, Palmer	05/13/2019	05/13/2021	Director of Safety and Code Training and Curriculum Development, International Brotherhood of Electrical Workers, Electrical Training Alliance	Representative Member
Krocka, Randall	05/13/2019	05/13/2021	Administrator, Sheet Metal Occupational Health Institute Trust, International Association of Sheet Metal, Air, Rail and Transportation Workers	Representative Member
Mabry, Christopher	05/13/2019	05/13/2021	Assistant Deputy Commissioner, North Carolina Department of Labor	Representative Member
Mullins, Mark	05/13/2019	05/13/2021	National Coordinator, Elevator Industry Work Preservation Fund	Representative Member
Sizemore, Greg	05/13/2019	05/13/2021	Vice President of Health, Safety, Environment and Workforce Development, Associated Builders and Contractors	Representative Member
Sokol, R. Ronald	05/13/2019	05/13/2021	President/CEO, Safety Council of Texas City, TX	Representative Member
Stribling, Charles	05/13/2019	05/13/2021	OSH Federal-State Coordinator, Kentucky Labor Cabinet, Department of Workplace Standards	Representative Member
Tessier, Richard	05/13/2019	05/13/2021	Director of Safety, United Union of Roofers, Waterproofers, & Allied Workers, Research & Education Joint Trust	Representative Member
Trahan-Cain, Christina	05/13/2019	05/13/2021	Safety and Health Director, North America's Building Trades Unions	Representative Member
Wheeler, Wesley	05/13/2019	05/13/2021	National Director of Safety, National Electrical Contractor Association	Representative Member

Number of Committee Members Listed: 16

Narrative Description

The Advisory Committee on Construction Safety and Health (ACCSH) advises the Secretary of Labor and Assistant Secretary for Occupational Safety and Health concerning the creation and implementation of safety and health policy for the construction industry. The Committee's activities contribute to the success of the Occupational Safety and Health Administration's (OSHA) mission to ensure the safety and health of America's construction workers by setting and enforcing standards; providing training; outreach and education; providing compliance assistance; and encouraging continual improvement in workplace safety and health for the construction industry. In addition, the Committee contributes to the achievement of Department of Labor's

Strategic Goal 2; to improve workplace safety and health. This goal pertains to construction because it continues to have some of the most hazardous working conditions of any industry in the country.

What are the most significant program outcomes associated with this committee?

Checked if Applies

- | | |
|---|-------------------------------------|
| Improvements to health or safety | <input checked="" type="checkbox"/> |
| Trust in government | <input checked="" type="checkbox"/> |
| Major policy changes | <input checked="" type="checkbox"/> |
| Advance in scientific research | <input type="checkbox"/> |
| Effective grant making | <input type="checkbox"/> |
| Improved service delivery | <input checked="" type="checkbox"/> |
| Increased customer satisfaction | <input checked="" type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

Outcome Comments

Not Applicable

What are the cost savings associated with this committee?

Checked if Applies

- | | |
|----------------------------|-------------------------------------|
| None | <input type="checkbox"/> |
| Unable to Determine | <input checked="" type="checkbox"/> |
| Under \$100,000 | <input type="checkbox"/> |
| \$100,000 - \$500,000 | <input type="checkbox"/> |
| \$500,001 - \$1,000,000 | <input type="checkbox"/> |
| \$1,000,001 - \$5,000,000 | <input type="checkbox"/> |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/> |
| Over \$10,000,000 | <input type="checkbox"/> |
| Cost Savings Other | <input type="checkbox"/> |

Cost Savings Comments

ACCSH provides the Agency with suggestions and recommendations to promote construction safety and health. The Agency is unable to calculate the cost savings resulting from ACCSH's work because it is typically one of many actions the Agency engages in to help prevent injuries and fatalities, and it is not possible to identify the percentage of the savings attributable specifically to the Committee's work.

What is the approximate Number of recommendations produced by this committee

Number of Recommendations Comments

ACCSH has been active for nearly 50 years. Therefore, it is difficult to truly approximate the total number of recommendations produced by the Committee. ACCSH did not meet in fiscal year (FY) 2018. ACCSH provided seven recommendations to the Agency in FY 2017. One of the highlights of the FY 2017 recommendations was their support of OSHA's proposed rule to extend the enforcement date for the crane operator certification requirements and existing employer duty in the cranes and derricks standard to November 10, 2018. ACCSH has produced numerous other recommendations over the years that have enhanced the safety of workers in the construction industry. For instance, in FY 2016, ACCSH made recommendations that were included in OSHA's publication of the Recommended Practices for Safety & Health Programs in Construction guidance/outreach product. In FY 2015, ACCSH recommended the Agency proceed with rulemaking to clarify that the duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illness. In FY 2014, OSHA enhanced the Introduction module of the OSHA 10 hour course based on recommendations initiated by ACCSH. The Committee made the following recommendations to OSHA in fiscal year 2017: #1. 20-Jun-17: ACCSH recommended that OSHA proceed with proposed rulemaking to extend the enforcement date for the crane operator certification requirements and existing employer duty in the cranes and derricks standard to November 10, 2018. #2. 1-Dec-16: ACCSH recommended that OSHA establish two working groups, one on training and one on outreach. #3. 1-Dec-16: ACCSH recommended that OSHA proceed with rulemaking on § 1401 and to clarify, modify, or add an exemption to make clear that the standard would not prohibit employees from using a stationary, suspended load as a walking/working surface. #4. 1-Dec-16: ACCSH recommended that OSHA proceed with Cranes Amendments rulemaking and consider exempting the use of load weighing, anti two-blocking, and similar devices as discussed during this meeting. #5. 1-Dec-16: ACCSH recommended that OSHA proceed with Cranes Amendments rulemaking using the language in the recommended amendment to the personnel hoisting section of the cranes standard. The language would make personnel bucket criteria of the cranes standard consistent with that in the aerial lift standard and current best practices of the industry. #6. 1-Dec-16: ACCSH recommended that OSHA proceed with the Cranes Amendments rulemaking using the language as proposed for the section for Floating Cranes and Cranes on Barges or other means of floatation. The language would clarify that workers on surfaces other than the deck of a barge-mounted or floating crane must be protected from the load falling from the crane's load line. #7. 1-Dec-16: ACCSH recommended that

OSHA proceed with proposed rulemaking (Railroad Cranes) that would expand exemptions for railroad cranes per the railroad cranes litigation and settlement agreement.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

65%

% of Recommendations Fully Implemented Comments

The 65% listed above is an estimate. The precise figure is difficult to calculate due to the longevity of the committee.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

15%

% of Recommendations Partially Implemented Comments

The percentage is unknown (the 15% listed above is a place-holder only); the percentage is difficult to calculate due to the longevity of the committee.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

ACCSH receives Agency feedback at its meetings from several sources. Traditionally the Agency Decision maker, the Assistant Secretary of Labor for Occupational Safety and Health, addresses the committee at each meeting and responds to questions from the committee members. This presentation and discussion routinely includes an overview of Agency progress, upcoming events, hot topics and references to more specific staff presentations during the meeting. The Director, Directorate of Construction, also provides ACCSH an update on the status of the recommendations the committee has provided to the Agency.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input checked="" type="checkbox"/>
Issued new regulation	<input checked="" type="checkbox"/>

Proposed legislation

☐

Approved grants or other payments

☐

Other

☐

Action Comments

Not Applicable

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

Not Applicable

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO

☒

Online Agency Web Site

☒

Online Committee Web Site

☒

Online GSA FACA Web Site

☒

Publications

☐

Other

☒

Access Comments

1) Committee meeting and work group notices are published in the Federal Register, which can be found at: <http://www.gpo.gov/fdsys/> as well as on OSHA's webpage at: www.osha.gov. The Federal Register Notice is also included in the Committee's Docket at: www.regulations.gov. 2) Committee meeting minutes, transcripts and materials are available online at the OSHA Docket Office, <http://dockets.osha.gov/> and at: www.regulations.gov, as well as on the ACCSH webpage at: <http://www.osha.gov/doc/acssh/index.html>. 3) Committee overview information is available at the Federal Interagency Data Online database, which stores federal advisory committee data. The FACA Database can be found at: <http://www.facadatabase.gov>. 4) The Committee webpage is at: <http://www.osha.gov/doc/acssh/index.html>.